

Message Text

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PAGE 01 EC BRU 05192 111350Z

45

ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 SAM-01 IO-10 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 FEAE-00

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E.O. 11652: N/A

TAGS: ETRD, GATT, EEC

SUBJECT: GATT HANDLING OF THE LOME CONVENTION

REFS: A) EC BRUSSELS 4982 B) STATE 129788 C) EC BRUSSELS 4803

1. SUMMARY: THE EC HAS COMPLETED WORK ON THE LETTER IT PROPOSES TO SEND THE GATT REGARDING THE LOME CONVENTION, AND HAS TRANSMITTED THE TEXT TO THE ACP STATES. THE TEXT REFLECTS THE US DESIRE THAT THE EC AVOID A FLAT STATEMENT THAT THE CONVENTION IS COMPATIBLE WITH GATT, AND IT MAKES NO REFERENCE TO GATT ARTICLE XXIV. THE EC COMMISSION HAS NOT YET DECIDED WHETHER IT WOULD AGREE TO A GATT REQUIREMENT OF ANNUAL REPORTS ON THE CONVENTION. END SUMMARY.

2. IMMEDIATELY FOLLOWING OUR JUNE 4 MEETINGS WITH HIJZEN AND FIELDING (REF A), THE TEXT OF THE PROPOSED LETTER FROM THE EC TO THE GATT WAS DISCUSSED BY THE EC COMMITTEE OF PERMANENT REPRESENTATIVES (COREPER). IN THE COREPER MEETING THE FRENCH WITHDREW THEIR DEMAND THAT

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PAGE 02 EC BRU 05192 111350Z

A REFERENCE TO ARTICLE XXIV BE MADE IN THE LETTER.

THEY SETTLED, ACCORDING TO FIELDING, FOR INSERTION IN THE COREPER MINUTES OF A NOTE THAT IF THE LEGALITY OF THE ARRANGEMENT WAS CHALLENGED, REFERENCE WOULD BE MADE TO ARTICLE XXIV.

3. SEVERAL DRAFTING CHANGES WERE MADE IN THE TEXT AS GIVEN IN REF C. IN SOME CASES THESE REFLECT US DESIRES AS EXPRESSED IN THE DEMARCHE REPORTED IN REF A. THE NEW FULL TEXT FOLLOWS:

BEGIN TEXT

SIR, I HAVE THE HONOUR TO COMMUNICATE TO YOU HEREWITH, FOR THE ATTENTION OF THE CONTRACTING PARTIES, THE TEXT OF THE CONVENTION SIGNED IN LOME (TOGO) ON 28 FEBRUARY 1975 BETWEEN THE EUROPEAN COMMUNITIES, THEIR MEMBER STATES AND 46 AFRICAN, CARIBBEAN AND PACIFIC STATES, WHICH WAS NOTIFIED TO THE COUNCIL AT ITS MEETING OF 24 MARCH.

I SHOULD LIKE TO POINT OUT IN THIS CONNECTION THAT, AS ALREADY STATED ON 24 MARCH, THIS TEXT IS BEING COMMUNICATED FOR REASONS OF COURTESY AND EFFICIENCY VIS A VIS THE CONTRACTING PARTIES BEFORE THE COMPLETION OF THE NATIONAL RATIFICATION OR ADOPTION PROCEDURES WHICH ALONE WILL CONFER VALIDITY AND LEGAL EXISTENCE OF THE CONVENTION. NEVERTHELESS, AS THE EEC REPRESENTATIVE STATED ON THE SAME OCCASION, THE PARTIES TO THE CONVENTION WILL IMPLEMENT THE LATTER'S TRADE PROVISIONS AS FROM 1 JULY, 1975.

REFERRING AGAIN TO THE COMMUNITY REPRESENTATIVE'S STATEMENT TO THE COUNCIL OF 24 MARCH, I WOULD POINT OUT THAT IN THE COMMUNITY'S VIEW THE LOME CONVENTION ESTABLISHES A NEW MODEL FOR ECONOMIC COOPERATION IN GENERAL AND FOR TRADE RELATIONS IN PARTICULAR BETWEEN DEVELOPED AND DEVELOPING COUNTRIES BETWEEN WHOM EXISTS A LONG HISTORY OF SPECIAL AND PRIVILEGED RELATIONS, THE VALIDITY AND ENDURING NATURE OF WHICH HAVE BEEN SPECIFICALLY ACKNOWLEDGED BY THE GENERAL AGREEMENT.

THE TRADE ARRANGEMENTS ESTABLISHED BY THE LOME CONVENTION REPLACE THOSE FORMERLY EXISTING ON THE ONE LIMITED OFFICIAL USE

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PAGE 03 EC BRU 05192 111350Z

HAND BETWEEN THE EUROPE OF SIX AND CERTAIN ACP STATES, AND ON THE OTHER, BETWEEN THE UNITED KINGDOM AND IRELAND AND OTHER ACP STATES. IT REPRESENTS THE ADAPTATION IN THE FORM OF A COMMON ARRANGEMENT COMPATIBLE WITH THE NORMAL FUNCTIONING OF THE CUSTOMS UNION ESTABLISHED BETWEEN THE NINE MEMBER STATES OF THE COMMUNITY, OF THE SPECIAL ARRANGEMENTS APPLIED INDIVIDUALLY BY THE LATTER IN RESPECT OF THE VARIOUS ACP

STATES.

IN THIS NEW CONVENTION THE EEC OBSERVES THE OBLIGATION TO ELIMINATE CUSTOMS DUTIES AND OTHER RESTRICTIVE REGULATIONS OF COMMERCE AS REGARDS SUBSTANTIALLY ALL ITS TRADE WITH THE ACP STATES.

CONSCIOUS OF ITS PARTNERS' DEVELOPMENT NEEDS AND OF THE PRINCIPLES SET OUT IN PART IV OF THE GENERAL AGREEMENT, THE COMMUNITY HAS NOT DEMANDED RECIPROCITY IN ITS TRADE WITH THE ACP STATES. MOREOVER, THE PROVISIONS IN THE LOME CONVENTION, PARTICULARLY CERTAIN INNOVATIONS REFLECT THE EEC'S WILL TO CONTRIBUTE TO THE DEVELOPMENT EFFORT OF THE ACP STATES IN KEEPING WITH THE INTERNATIONAL COMMUNITY'S ASPIRATIONS TOWARDS A MORE JUST AND MORE BALANCED ECONOMIC ORDER.

THE COMMUNITY IS THEREFORE CONVINCED THAT THE CONVENTION CONFORMS WITH THE OBLIGATIONS OF THE CONTRACTING PARTIES AND COMPLIES FULLY WITH THE OBJECTIVES WHICH GOVERN AND MOTIVATE THE GATT. THE COMMUNITY ACCORDINGLY REQUESTS THAT THIS CONVENTION BE EXAMINED IN THE LIGHT OF THE OVERALL OBJECTIVES OF THE GENERAL AGREEMENT.

THE EEC IS READY TO COOPERATE FULLY IN THIS EXAMINATION: IT ASKS ALL ITS PARTNERS IN THE GATT TO APPROACH THE EXAMINATION IN THE SAME POSITIVE MANNER AND CONSIDERS THAT SUCH AN APPROACH MAY GENERALLY CONTRIBUTE TOWARDS FURTHER PROGRESS IN INTERNATIONAL ECONOMIC RELATIONS.

PLEASE ACCEPT, SIR..." END TEXT.

4. IT SHOULD BE NOTED THAT THE REVISIONS TO THE PREVIOUS TEXT INCLUDE A WATERING DOWN OF THE STATEMENT LIMITED OFFICIAL USE

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PAGE 04 EC BRU 05192 111350Z

"THE CONVENTION IS COMPATIBLE WITH THE PROVISIONS OF GATT". THE CORRESPONDING STATEMENT IS NOW " THE CONVENTION CONFORMS WITH THE OBLIGATIONS OF THE CONTRACTING PARTIES...". THE REMAINDER OF THE PARAGRAPH IN WHICH THIS STATEMENT APPEARS ALSO HAS BEEN SIGNIFICANTLY CHANGED BY INSERTION OF THE WORD "OVERALL" IN ITS LAST SENTENCE, VICE "ALL".

5. THE TEXT AS REVISED WAS SENT BY TELEX ON JUNE 6 TO LIEUTENANT COLONEL FELLI, PRESIDENT OF THE ACP COUNCIL OF MINISTERS IN GEORGETOWN, GUYANA. THE EC TELEX ENDS, "WOULD ALSO RECALL DESIRE EXPRESSED BY COMMUNITY TO RECEIVE COMMUNICATION TEXT LETTER THE ACP WILL SEND TO THE GATT".

6. THE COMMISSION STILL HAS NO DEFINITE RESPONSE TO GIVE US, FIELDING SAYS, ON THE QUESTION OF ANNUAL REPORTS ON THE CONVENTION. HIJZEN'S INITIAL REACTION IS THAT THERE SHOULD BE NO QUESTION OF AN OBLIGATION TO MAKE SUCH REPORTS, BUT THAT THEY MIGHT BE MADE AS A UNILATERAL GESTURE. HOWEVER, FIELDING NOTES THAT THE COMMISSION HAS NOT YET TAKEN A FORMAL POSITION ON THIS ISSUE. GREENWALD

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